

### **REMARKS**

Applicant thanks the Examiner for the very thorough consideration given the present application. Claims 1-19 and 21-23 are now present in this application. Claims 1, 7, and 21 are independent. By this amendment, claim 17 has been amended. Reconsideration of this application, as amended, is respectfully requested.

#### **Reasons for Entry of Amendments**

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment reduces the issues on appeal by placing the claims in compliance with 35 U.S.C. § 112, 2nd Paragraph. This Amendment was not presented at an earlier date in view of the fact that Applicant did not fully appreciate the Examiner's position until the Final Office Action was reviewed.

#### **Drawings**

Applicant thanks the Examiner for indicating that the drawings are accepted.

#### **Rejection Under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph**

Claim 17 stands rejected under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph. This rejection is respectfully traversed.

The Examiner has set forth certain instances wherein the claim language lacks antecedent basis. In order to overcome this rejection, Applicant has amended claim 17 to correct the deficiency specifically pointed out by the Examiner. Applicant respectfully submits that the claim, as amended, particularly points out and distinctly claims the subject matter which Applicant regards as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

**Rejections under 35 U.S.C. §103**

Claims 1-6, 9-12, 14-17, and 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Love in view of Rouse. Further, claims 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Love in view of Rouse, and in further view of Schwein. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

Applicant respectfully submits that independent claim 1 recites a combination of elements in a loading system including, *inter alia*, “a main frame supported by a plurality of wheels, the main frame including a pair of spaced-apart support arms extending in a longitudinal direction of the loading system,” “a lifting frame pivotally attached to said main frame, said lifting frame including a lever arm and a pair of spaced-apart lifting arms directly connected to the lever arm, the pair of spaced-apart lifting arms extending in the longitudinal direction of the loading system, the pair of spaced-apart lifting arms of the lifting frame in conjunction with the pair of spaced-apart support arms of the main frame defining a spool receiving volume in the rear of the loading system,” and “a support rack attached to said lifting arms, said support rack comprising a pair of spaced-apart rack members, said rack members being configured to support a spool, each rack member extending mainly vertically from one of the lifting arms.” Independent 21 recites similar features to independent claim 1.

Applicant respectfully submits that these combinations of elements as set forth in independent claims 1 and 21 are not disclosed or made obvious by the prior art of record, including Love and Rouse.

The Examiner states that Love discloses a main frame 4 including spaced apart longitudinally extending support arms 7, 8, a lifting frame pivotally attached to the main frame including lever arms 36, 37, and spaced apart longitudinally extending lifting arms 16, 17 connected to the lever arms, and a support rack having spaced apart spool supporting rack members 27, 28. The Examiner admits that Love fails to show the pair of spaced-apart lifting arms connected directly to one of the lever arms, but relies on Rouse for such a teaching.

The Examiner asserts that Rouse shows a trailer having a pivotally attached lifting frame 22 that includes a lever arm 38 directly attached to spaced-apart, longitudinally extending lifting arms 34.

Applicant respectfully submits that the horizontal extension 38 of Rouse is not a lever arm. In particular, the horizontal extension 38 imparts no movement to the upper frame 22, but rather is used to hold the upper frame 22 in place once it is raised. In fact, the horizontal extension 38 could be eliminated entirely and the upper frame 22 would still be raisable. In other words, the horizontal extension 38 is not used to cause any part of the upper frame 22 to be raised.

Accordingly, one of ordinary skill in the art would not consider the horizontal extension 38 to be a lever arm. Furthermore, one of ordinary skill in the art would not consider the horizontal extension 38 to be a suitable replacement of the hydraulic cylinders 36, 37 of Love, because the elongated arms 16, 17 of Love are designed to pivot about upper ends 14, 15 such that the elongated arms 16, 17 rotate with respect to the frame 4, while the upper frame 22 remains parallel to the lower frame 22.

Applicant respectfully submits that the combinations of elements as set forth in independent claims 1 and 21 are not disclosed or made obvious by the prior art of record, including Love and Rouse, for the reasons explained above. Schwein was cited for teachings unrelated to deficiencies noted above, and therefore, any hypothetical combination of Love, Rouse, and Schwein would also fail to render independent claims 1 and 21 obvious. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 2-6, 9-12, 14-19, 22, and 23, Applicant submits that these claims depend, either directly or indirectly, from independent claim 1 or 21, which are allowable for the reasons set forth above, and therefore these claims are also allowable based on their dependence from claim 1 or 21. Reconsideration and allowance thereof are respectfully requested.

#### **Allowable Subject Matter**

The Examiner states that claims 7 and 8 are allowed and that claim 13 would be allowable if rewritten in independent form.

Applicant thanks the Examiner for the indication of allowable subject matter in this application. However, claim 13 has not been rewritten in independent form at this time, since it is believed that independent claim 1, from which claim 13 depends is allowable.

### CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Chad D. Wells, Registration No. 50,875, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By

  
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